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The situation in the Middle East

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Report of the Secretary-General

Summary

The present report contains replies received from Member States in response to the Secretary-General's note verbale of 30 April 2009 concerning the implementation of the relevant provisions of General Assembly resolutions 63/30, entitled "Jerusalem", and 63/31, entitled "The Syrian Golan".

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolutions 63/30 and 63/31. In its resolution 63/30, the Assembly stressed that a comprehensive, just and lasting solution to the question of the city of Jerusalem should take into account the legitimate concerns of both the Palestinian and Israeli sides and should include internationally guaranteed provisions to ensure the freedom of religion and of conscience of its inhabitants, as well as permanent, free and unhindered access to the holy places by the people of all religions and nationalities. In its resolution 63/31, which dealt with Israeli policies in the Syrian territory occupied by Israel since 1967, the Assembly demanded once more that Israel withdraw from all the occupied Syrian Golan to the line of 4 June 1967 in implementation of the relevant Security Council resolutions.

2. On 30 April 2009, in order to fulfil my reporting responsibility under resolutions 63/30 and 63/31, I addressed notes verbales to the Permanent Representative of Israel and the Permanent Representatives of other Member States to the United Nations requesting them to inform me of any steps their Governments had taken or envisaged taking concerning implementation of the relevant provisions of those resolutions. As at 31 August 2009, nine replies had been received, from Colombia, Cuba, the Democratic People's Republic of Korea, Jordan, Mexico, Nicaragua, Qatar, the Sudan and the Syrian Arab Republic. Those replies are reproduced in section II of the present report.

II. Replies received from Member States

Colombia

[Original: Spanish]

The Permanent Mission of Colombia would like to state that Colombia voted in favour of General Assembly resolutions 63/30 on Jerusalem and 63/31 on the Syrian Golan, thereby adding its voice to those and to other international calls for Israel to fully implement Assembly resolution 181 (II) and Security Council resolution 497 (1981).

Colombia does not recognize the use of unilateral extraterritorial measures and has maintained diplomatic relations with Israel through its Embassy in Tel Aviv since 1958.

Cuba

[Original: Spanish]

Cuba fully supports General Assembly resolution 63/31 concerning the Syrian Golan and calls on all Member States of the United Nations to implement it promptly and rigorously.

Our country reaffirms the fundamental principle that the acquisition of territory by force is inadmissible in accordance with international law and the Charter of the United Nations. The Fourth Geneva Convention relative to the

Protection of Civilian Persons in Time of War, adopted on 12 August 1949, is fully applicable to the Syrian Golan.

It is unacceptable and of deep concern that the Syrian Golan, which has been occupied since 1967, remains under Israeli military occupation. Israel must withdraw immediately from all of the occupied Syrian Golan to the line of 4 June 1967 in implementation of Security Council resolutions 242 (1967) and 338 (1973).

The 118 members of the Non-Aligned Movement, over which Cuba currently has the honour to preside, have expressed their solidarity and unconditional support for the rights and the just demand of the Syrian Arab Republic on the basis of the Arab Peace Initiative, the Madrid peace process, the formula of land for peace and the relevant Security Council resolutions.

The continued occupation of the Syrian Golan and its de facto annexation constitute a stumbling block in the way of achieving a just, comprehensive and lasting peace in the region.

Cuba considers that any actions or legislative or administrative measures, all measures and actions taken or to be taken by Israel that purport to alter the legal, physical and demographic status of the occupied Syrian Golan and its institutional structure, as well as the Israeli measures to apply its jurisdiction and administration there are null and void and have no legal effect.

In that connection, Cuba also considers that the Israeli decision of 14 December 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and has no validity whatsoever, as confirmed by the Security Council in its resolution 497 (1981). Israel must rescind that decision.

All of these measures and actions, including the illegal construction and expansion of Israeli settlements in the occupied Syrian Golan since 1967, constitute a flagrant violation of international law, international conventions and the Charter and resolutions of the United Nations, including, in particular, Security Council resolution 497 (1981) and the Fourth Geneva Convention, relative to the Protection of Civilian Persons in Time of War of 12 August 1949.

Cuba strongly condemns the brutal Israeli practices perpetrated in the prisons established during the occupation. Cuba reiterates its concern at the inhuman conditions of the Syrian detainees in the occupied Syrian Golan, which have led to the deterioration of their physical health and put their lives at risk, in blatant violation of international humanitarian law.

Israel must reopen the Quneitra entry point in order to facilitate the visits of Syrian citizens under Israeli occupation to their homeland, the Syrian Arab Republic.

Cuba calls on all the parties concerned, the sponsors of the peace process and the international community to make every effort necessary for the resumption and success of the peace process through the implementation of Security Council resolutions 242 (1967) and 338 (1973).

Democratic People's Republic of Korea

[Original: English]

With regard to General Assembly resolution 63/30 entitled "Jerusalem", it is the consistent position of the Government of the Democratic People's Republic of Korea that the question of Palestine, including the issue of the city of Jerusalem, caused by the Israeli occupation of the Palestinian territory should be solved taking into full account the legitimate interests of the Palestinian people. The Government of the Democratic People's Republic of Korea reiterates its full support for the Palestinian people in their efforts to put an end to Israeli occupation of the Palestinian territory and to regain their legitimate national rights, including the right to self-determination in their independent state of Palestine with East Jerusalem as its capital.

Concerning resolution 63/31 entitled "The Syrian Golan", the Government of the Democratic People's Republic of Korea reaffirms its unwavering position that the occupied Syrian Golan is an integral part of the Syrian Arab Republic. The Government of the Democratic People's Republic of Korea rejects any annexation measures imposed by Israel on the occupied Syrian Golan and strongly demands that Israel withdraw its forces from all the occupied Syrian Golan without delay.

Jordan

[Original: Arabic]

Israel occupied the Syrian Golan in June 1967. The Security Council, in resolutions 242 (1967) and 338 (1973), demanded that Israel end its occupation of all Arab lands, including the Syrian Golan. The General Assembly has reiterated that demand in its yearly resolutions on the matter. In 1981, Israel, the occupying Power, brazenly proceeded to apply its laws and impose its rule on the Syrian Golan rather than submit to the will of the international community. That action was condemned by both the Security Council, in its resolution 497 (1981), and the General Assembly, as was Israeli settlement activity in those areas, carried out in contravention of international humanitarian law and, in particular, the Fourth Geneva Convention of 1949 and the principles of international law.

Jordan believes that the continued Israeli occupation of Arab lands occupied in 1967, including the Syrian Golan, poses a threat to security and stability. Jordan therefore urges the United Nations to perform its designated role of maintaining international peace and security and to persuade Israel that it must withdraw from all occupied Arab lands. Jordan believes that a firm commitment to the principle of land for peace, as set forth in Security Council resolutions, the terms of reference of the Madrid Conference and the Arab Peace Initiative, is the most effective and appropriate mechanism for securing a two-State solution and a just and comprehensive peace in the Middle East.

Mexico

[Original: Spanish]

Resolution 63/30 on Jerusalem: Mexico does not have and has not had any diplomatic representation in the city of Jerusalem. Moreover, Mexico considers that the dispute between Palestine and Israel should be resolved on the basis of international law and the relevant United Nations resolutions. Mexico is of the view that a just and lasting solution to the Middle East conflict must take into account the legitimate aspirations of Palestine and those of Israel, must include safeguards regarding freedom of religion and access to the holy places and must provide for the creation of two States that will live side by side within secure and internationally recognized borders.

Resolution 63/31 on the Syrian Golan: Mexico is in favour of a comprehensive solution to the Middle East conflict based on the relevant United Nations resolutions and achieved through dialogue and negotiation. Mexico therefore urges the parties — the Syrian Arab Republic and Israel — to resume negotiations on the Syrian Golan, which has been occupied since 1967.

Nicaragua

[Original: Spanish]

Among the measures that the Government of Nicaragua has adopted we note the fact that Nicaragua does not recognize Jerusalem as the capital of Israel, continuing to maintain its diplomatic relations with Israel through Tel Aviv.

The Government of Nicaragua has also demonstrated its solidarity in various international forums with the suffering of the Palestinian people, which is subject to an intolerable occupation by Israel. During the sixty-third session of the General Assembly, Nicaragua co-sponsored and voted in favour of all resolutions submitted under the item entitled "The situation in the Middle East", including General Assembly resolutions 63/30 and 63/31. Additionally, it made various statements in support of the Palestinian people during the relevant debates.

Similarly, Nicaragua has expressed its support for and solidarity with the Government of the Syrian Arab Republic in relation to recovering the Golan Heights, occupied by Israel since 1967.

In view of Nicaragua's support for and solidarity with the heroic and suffering Palestinian people and its legitimate resistance to the Israeli occupation in order to have an independent and sovereign homeland, the Government of Nicaragua was appointed a full member of the Committee on the Exercise of the Inalienable Rights of the Palestinian People on 2 September 2008. A high-level delegation participated actively in the Latin American and Caribbean regional meeting that was held in Santiago from 11 to 13 December 2008.

Nicaragua spoke out in the debates in the Security Council, the General Assembly and the Human Rights Council, and also in the context of the Non-Aligned Movement, strongly condemning the bloody massacre perpetrated against the Palestinian civilian population, shelled by Israel from the air, sea and land for 23 days during December 2008 and January 2009, which resulted in at least

1,300 deaths. Regrettably, the Security Council was unable to act to stop this slaughter because its structure enables members to block decisions.

In the six-day war in 1967, Israel took as booty the eastern part of Jerusalem, and subsequently, in 1980, it enacted legislation considering the western and eastern parts as one and proclaiming the whole city as its "eternal and indivisible capital". This step was immediately declared illegal by the Security Council in its resolution 478 (1980), in which the Council stated that it constituted a violation of international law and did not affect the continued application to the occupied Palestinian territories, including Jerusalem, of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.

Similarly, the General Assembly has declared that all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "basic law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith.

However, despite the United Nations resolutions declaring the Israeli actions in East Jerusalem to be illegal, tensions have continued to worsen over more than 40 years of occupation as a consequence of the destructive and provocative policies and actions of Israel in its campaign of colonization throughout the occupied Palestinian territory. This is the case in particular in Jerusalem, where Israel continues its determined pursuit of the complete colonization and judaization of the city and its environs, the isolation of Jerusalem from the rest of the occupied Palestinian territory and the tearing-apart of the original demographic make-up of the city and its historic and cultural heritage.

Thousands of Palestinian dwellings have been illegally destroyed by the occupying power, causing the displacement of tens of thousands of Palestinians, thousands more Palestinians are facing the threat of being turned out of their homes in East Jerusalem or seeing them destroyed, and Palestinian institutions are constantly being closed, while the illegal Israeli settlements and the population of settlers continue to grow at a rate that is unprecedented in the city, in an ongoing violation of articles 49 and 53 of the Fourth Geneva Convention.

Furthermore, the illegal policies and practices of the occupying power encourage and stimulate the attacks, provocations and acts of terrorism which continue to be perpetrated by the Israeli settlers in the city and its surroundings both against the Palestinian population and against historic and religious sites.

Regrettably, the Security Council has not adopted any effective measures to put an end to the illegal actions of Israel, and has permitted the continued onslaught on the status of the city and of its residents and on the prospects for peace, a crucial element of which is the fate of Jerusalem. An agreement between the two parties that include East Jerusalem as the capital of the new Palestinian State is essential for achieving a lasting peace. We call on the Security Council to adopt firm and effective measures, with no double standards, aimed at intensifying efforts to find a path to the achievement of a peaceful solution to the question of Palestine.

Nicaragua, which maintains diplomatic relations with both parties to the conflict, Israel and the Palestinian State, will continue to speak out and advocate in favour of a politically just solution to the question of Palestine based on the various

resolutions adopted by the United Nations, in conformity with the principle of land for peace established at the Madrid Conference and in the Arab peace plan, which will permit the creation of an independent Palestinian State having East Jerusalem as its capital.

With respect to the occupied Syrian Golan, Nicaragua's view, expressed in the various United Nations bodies, including the General Assembly and its main Committees and the Security Council, is that the steps which Israel has taken to change the juridical status, physical characteristics, demographic composition and institutional structure of the occupied Syrian Golan, as well as to apply its jurisdiction and administration in this area, are illegal and null and void. The construction and expansion of Israeli settlements in the occupied Syrian Golan, held since 1967, are contrary to international law, the Charter of the United Nations and the decisions of the United Nations, including General Assembly resolution 63/31, on which we have already given our views, and the Fourth Geneva Convention relative to the Protection of Civilians in Time of War of 12 August 1949.

Nicaragua will continue to support a peaceful solution to the question of the occupied Syrian Golan, one which respects the territorial integrity of the Syrian Arab Republic and other rights that are recognized by international law.

Qatar

[Original: English]

The State of Qatar supports the return of the Syrian Golan to the Syrian Arab Republic and expresses this view in all relevant international and regional events, meetings and conferences. The speeches of His Highness the Emir of the State of Qatar during official visits or events underline the necessity of the return of the Golan to the Syrian Arab Republic. In addition, the State of Qatar cosponsors all resolutions related to the Syrian Golan at the level of Arab Summits and other summits it participates in. In this regard, the State of Qatar is committed to the resolution adopted by the Council of the League of Arab States during its last summit in Doha, on 30 March 2009, entitled "The occupied Syrian Arab Golan".

With regard to the Palestinian Question, including the Question of Jerusalem, the State of Qatar is committed to the resolution adopted by the Council of the League of Arab States at the last summit in Doha, on 30 March 2009, entitled "Development of the Palestinian Question", and the statement on the Arab-Israeli conflict and its developments, which was also issued at the aforementioned summit.

Sudan

[Original: English]

The Permanent Mission of the Republic of the Sudan to the United Nations has the honour to reaffirm that the position of the Government of the Republic of the Sudan has always been consistent with the international community's stand in support of the legitimate right of the Syrian Arab Republic over its territory in the Syrian Golan, in accordance with the various United Nations resolutions adopted by the Security Council, including 242 (1967) and 497 (1981), and those taken on annual basis by the General Assembly, entitled "The occupied Syrian Golan",

adopted under the agenda item entitled "Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories", in which the General Assembly has clearly stated that the Israeli practices towards the Syrian Golan constitute a flagrant violation of international law and the Charter of the United Nations.

Syrian Arab Republic

[Original: Arabic]

Since the Israeli occupation of the Syrian Golan in 1967, the international community has consistently maintained its forceful rejection of that occupation, and has reiterated its demand for occupying Israeli forces to be withdrawn from all the Syrian Golan. In its resolution 63/31, the General Assembly affirmed the concern felt by the international community at the failure of Israel to comply with the relevant United Nations resolutions and its continued occupation of the Syrian Golan, contrary to Security Council and General Assembly resolutions. In the same resolution, the Assembly declared that the Israeli decision to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void and has no validity whatsoever, as confirmed by the Security Council in its resolution 497 (1981), and called upon Israel to rescind it.

After 42 years of this tyrannical occupation, and notwithstanding the resolutions of international legitimacy and the appeals made by the majority of the world's States at international gatherings calling for an end to that occupation and condemning Israel's daily tyrannical practices and blatant violations of all international conventions and customs, Israel remains indifferent to all such declarations and international resolutions, with no obstacles to its expansionist ambitions.

The Syrian Arab Republic has affirmed its intense desire to continue to work and cooperate with the United Nations to end the occupation. On the basis of that understanding, the Syrian Arab Republic states, in no uncertain terms, that the United Nations resolutions continue to be the essential authority for a resolution of the situation in the Middle East and for reaching a just and comprehensive solution to the problems in that region. Given that fixed principle of Syrian policy, President Bashar Al-Assad has declared on more than one occasion that the Syrian Arab Republic is willing to resume peace negotiations on the same basis on which the Madrid peace process was started in 1991. The Syrian Arab Republic has also declared in all international forums its full commitment to the relevant international resolutions and has called for their implementation, in particular Security Council resolutions 242 (1967), 338 (1973) and 497 (1981), and for implementation of the principle of land for peace, in order to ensure full withdrawal by Israel from all the occupied Syrian Golan to the line of 4 June 1967.

The Government of the Syrian Arab Republic denounces the decisions made by the Israeli Government to intensify settlement in the occupied Syrian Golan and, in particular, the decision of the Golan Regional Council, endorsed by the Government of the occupation, to build a new tourist settlement village near the Israeli settlement of Ani'am. It also condemns the cooperation between the Regional Council and the management of the extremist religious settlement of Yonatan aimed at attracting thousands of settlers to the occupied Syrian Golan and the focus by

Israeli tourism companies on building settlements called "tourist villages" in the Batihah area on the southern edge of the occupied Golan, in particular in the area known as Tall al-Sayyadin on the eastern shore of Lake Tiberias. It also condemns the tourist excursions to these villages organized by international Jewish organizations and the infrastructure development and settlement expansion by the occupation authorities in the settlements of Eliad, Ein Zivan, Natur, Khasfin, Hadnes and Nof. Such Israeli actions make it clear that Israel's true intention is to reject peace, paying no heed to Security Council or General Assembly resolutions, the most recent of which was Assembly resolution 63/97 of 5 December 2008, in which the Assembly once again called for the complete cessation of all Israeli settlement activities.

The Government of the Syrian Arab Republic condemns the distribution of products from the occupied Syrian Golan by the Permanent Representative of Israel to the United Nations in New York, and stresses that such behaviour constitutes a flagrant violation of Security Council resolution 497 (1981) and General Assembly resolution 63/201 entitled "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources". The Syrian Arab Republic also condemns statements by Israeli officials that are not conducive to peace, including the declaration of 3 April 2009 by the Israeli Minister for Foreign Affairs that Israel would never withdraw from the Golan and that peace with the Syrian Arab Republic would be in exchange only for peace, not for a return of the Golan.

The Government of the Syrian Arab Republic reaffirms the request it has made to the Secretary-General of the United Nations, the President of the General Assembly, the United Nations High Commissioner for Human Rights, the President of the Human Rights Council and the President of the International Committee of the Red Cross to bring pressure on Israel to ensure that the Syrian prisoners detained in its jails are kept in more humane health conditions, in particular, that the Syrian prisoner Bishr Al-Maqat, who faces certain death at any moment because of deliberate Israeli disregard for his deteriorating health situation. It also expresses its rejection of the sham trial given by the Israeli occupation authorities to the Syrian citizen Yusuf Shams, who was sentenced by the Israeli authorities to five years in prison, and to the Syrian journalist Ata Farahat, who was sentenced to three years for his free exercise of patriotic journalism.

The Government of the Syrian Arab Republic also underlines its request to the above-mentioned international figures to bring urgent pressure to bear on Israel to rescind its decision barring visits by citizens from the occupied Syrian Golan to their homeland, the Syrian Arab Republic, through the Qunaitra crossing, taking into consideration the material, mental and physical suffering that is caused to Syrian citizens by that tyrannical Israeli practice, which contravenes the Geneva Conventions and all international humanitarian instruments and norms. It stresses that Israeli practices in the occupied Syrian Golan exceed all legal and moral bounds, the most recent example being the imposition by the Israeli occupation authorities of two years of house arrest against a two-year-old child, Fahid Lu'ay Shuqeir, on the excuse that he was born outside Israel when his parents were studying in the Syrian Arab Republic.

The Government of the Syrian Arab Republic emphasizes the need to take measures to ensure implementation of relevant international resolutions without bias or selectivity, and to invoke the Geneva Conventions in order to bring pressure to bear on Israel, the occupying Power, to comply with the wishes of the international community in order to achieve a just and comprehensive peace in the Middle East.

Similarly, the Syrian Arab Republic emphasizes its support for General Assembly resolution 63/30, entitled "Jerusalem", and calls upon the international community to bring pressure to bear on Israel to end its occupation of the Arab territories that it has occupied since 1967, including Jerusalem, and comply with Security Council resolution 478 (1980), in which the Council decided not to recognize the "basic law" on Jerusalem that was enacted by Israel and affirmed that the Israeli decision to impose its laws, jurisdiction and administration on the city of Jerusalem was illegitimate and therefore null and void and without any validity whatsoever.